



MEMORANDUM

Agenda Item No. 7(P)(1)(B)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** September 21, 2004

FROM: George M. Burgess, County Manager 

SUBJECT: Resolution requesting the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to transfer by Quit Claim Deed to Miami-Dade County a road easement for a segment of S.W. 42 Street (Bird Drive) East of and adjacent to S.W. 162 Avenue in Section: 17-54-39 District 11

RECOMMENDATION

It is recommended that the Board of County Commissioners adopt the attached Resolution requesting a Quit Claim Deed from the Board of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) of the State of Florida for the purpose of transferring a State road easement for a segment of S.W. 42 Street (Bird Drive) East of and adjacent to S.W. 162 Avenue.

BACKGROUND

On December 16, 2003, the Board of County Commissioners adopted Resolution No. R-1434-03 declaring the acquisition of land for the construction of S.W. 42 Street (Bird Drive) from S.W. 162 Avenue to S.W. 157 Avenue to be a public necessity and authorized the County Manager to employ appraisers, to obtain required environmental audits and to acquire the right-of-way at the appraised value and terms, or by eminent domain proceedings, including a Declaration of Taking ("Quick Take") as necessary.

Title research has disclosed that the T.I.I.T.F. reserved an easement for State road purposes across one of the parcels authorized for acquisition in Resolution No. R-1434-03. The easement was reserved in a deed from the T.I.I.T.F. to A.S. Elliot dated December 30, 1944, recorded in Deed Book 2471, Page 460, of the Public Records of Miami-Dade County. Bird Drive was established as a State road in 1937, according to Chapter 18348, LAWS OF FLORIDA, 1937, and remained so until sometime after the Florida Highway Code of 1955 was enacted providing for the designation of a County road system (Chapter 29965, Sec. 41, LAWS OF FLORIDA, 1955). This segment of Bird Drive is presently designated a County road.

The requested Quit Claim Deed will provide a formal transfer of the State's road easement interest to Miami-Dade County.


Assistant County Manager




MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: September 21, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(P)(1)(B)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(P)(1)(B)
9-21-04

RESOLUTION NO. _____

RESOLUTION REQUESTING THE BOARD OF TRUSTEES OF
THE INTERNAL IMPROVEMENT TRUST FUND OF THE
STATE OF FLORIDA TO TRANSFER BY QUIT CLAIM DEED
TO MIAMI-DADE COUNTY A ROAD EASEMENT FOR A
SEGMENT OF SOUTHWEST 42 STREET (BIRD DRIVE)
EAST OF AND ADJACENT TO SOUTHWEST 162 AVENUE IN
SECTION: 17-54-39 DISTRICT 11

WHEREAS, This Board desires to accomplish the purposes outlined
in the accompanying memorandum, a copy of which is incorporated
herein by reference,

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board finds
and determines that transfer of a perpetual easement for road
right-of way from the Internal Trust Fund of the State of Florida
for a segment of S.W. 42 Street (Bird Drive) East of and adjacent
to S.W. 162 Avenue in Section: 17-54-39 and described in Exhibit
"A" and shown on "B" attached herewith and made a part herein, to
be in the public interest, and hereby approves, request and accepts
the above described right-of-way; and authorizes and directs the
Public Works Department Director to cause this Resolution, together
with the Quit Claim Deed after execution, to be filed for record
among the Public Records of Miami-Dade County, Florida.

The foregoing resolution was offered by Commissioner
, who moved its adoption. The motion was
seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly
passed and adopted this 21st day of September, 2004. This
resolution shall become effective ten (10) days after the date
of its adoption unless vetoed by the Mayor, and if vetoed, shall
become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney
to form and legal sufficiency.

By: _____
Deputy Clerk

Thomas Goldstein

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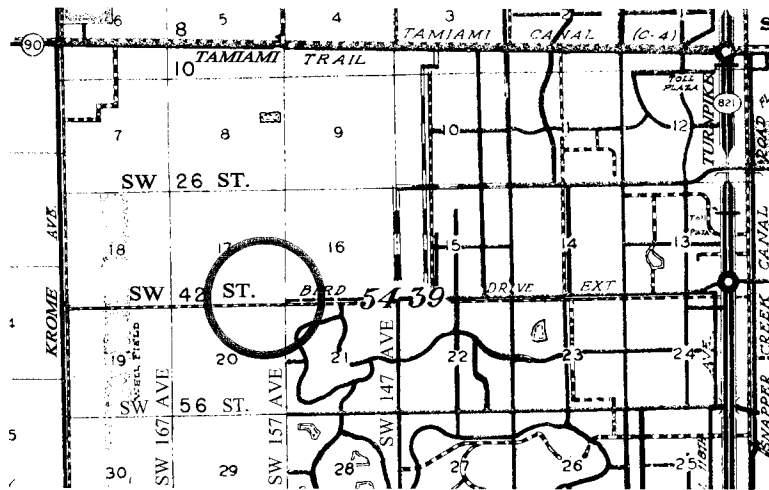
LEGAL DESCRIPTION

That portion of Tract 61 in Section 17, Township 54 South, Range 39 East, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD. IN DADE COUNTY, FLORIDA, according to the plat thereof recorded in Plat Book 2 at Page 3 of the Public Records of Miami-Dade County, Florida lying within the South 100.00 feet of Section 17, Township 54 South, Range 39 East, Miami-Dade County, Florida.

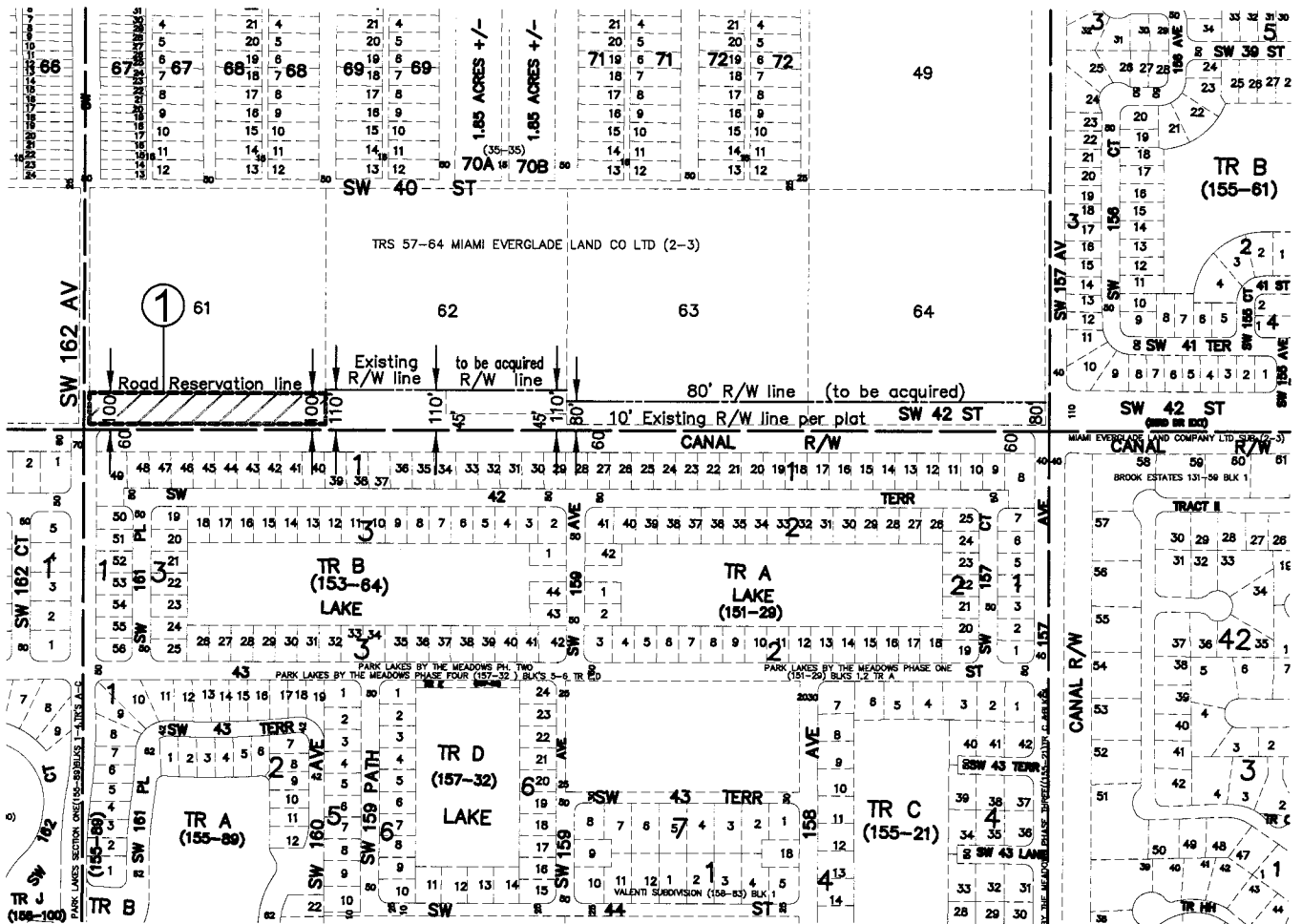
EXHIBIT "A"

SEC 17
TWP 54 S
RGE 39 E

SW 42 ST (BIRD DRIVE)
SW 162 Ave to SW 157 Ave



LOCATION MAP Not to Scale



NOT A SURVEY



Road easement reservation to be requested from T.I.I.T.F.

Bird Drive R/W widths shown as measured from Section line.

Reference: Easement Reservation recorded in Deed Book 2471, Page 460



SCALE 1" = 500'

EXHIBIT "B"